IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.76 OF 2002

Harun @ Papa Amir Hussain
Momin @ Patwekari ...Appellant

vs.

1.Mohamed Amir Hussain Momin @ Patwekari
2.Yakub Amir Hussain Momin @ Patwekari ...Respondents

Mr.L.S.Gaikwad for the Appellant
Mr.R.A.Thorat for Respondent Nos.1 and 2.

CORAM: A.S.OKA,J.
DATE : MARCH 14,2007.

ORAL JUDGMENT:

1. Heard the learned Advocates for the parties. The Appeal is by the original Plaintiff taking exception to the Judgment and Order dated 28th October 1999 passed by the learned Trial Judge on an application at exh.5 made by the Appellant-Plaintiff for interim relief.

2. The Appellant filed a suit praying for perpetual injunction restraining the Respondents from using the suit property. The prayer was made directing the Respondents to remove themselves from the suit property. In the alternative, a prayer was made for decree of possession. The property subject matter of the suit is a building situated at Satara. The prayer made in the Application at Exh.5 was for injunction restraining the Defendants from obstructing the use of the Appellant, his family members and their guests of the suit property.

3. By the impugned order the learned trial Judge recorded a prima facie finding that the Appellant has failed to establish his possession over the suit property. The learned Trial Judge also recorded a prima facie finding that the Respondents are in possession of the suit property.

4. My attention has been invited to the order dated 4th September 2002 passed by this Court in Civil Application No.79 of 2002. This Court directed the parties to maintain status quo. The order of status quo passed by this Court is operating for last more than four and half years. Considering the fact that the suit must be ready for final hearing, without disturbing the impugned order, ad-interim order passed by this Court which is operating for last more than four and half years deserves to be continued till the final disposal of the suit. Hearing of the suit deserves to be expedited.

5. Hence, I pass the following order :

i) Appeal is disposed of by directing that ad-interim order dated 4th September 2002 passed by this Court in Civil Application No.79 of 2002 will continue to operate till the final disposal of the suit. Hearing of the suit is expedited.

ii) All contentions of the parties on merits of the suit are expressly kept open.

iii) There will be no order as to costs.

JUDGE